**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**

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**C.W.P. No.17293 of 2006**
**Date of Decision:20.09.2007**

**Smt. Gurmeet Kaur**

**.....Petitioner**

**Vs.**

**State of Punjab & Ors.**

**.....Respondents**

**CORAM:- HON'BLE MR. JUSTICE RAJESH BINDAL**

Present:- Mr. M.S.Rakkar, Senior Advocate with Mr. P.S.Baath, Advocate for the petitioner.

Mr. Arvind Mittal, Addl. AG, Punjab for the respondents.

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This writ petition was listed for confirmation of interim order granted by this Court on 2.11.2006, while admitting the petition.

Learned counsel for the respondents states that in view of order passed by Secretary, Government of Punjab, Department of School Education on 4.5.2007, the relief prayed for by the petitioner has already been granted. Accordingly, the writ petition can be disposed of as such even today.

Heard learned counsel for the parties for final disposal of the petition.

The challenge in the petition is to the withdrawal of the pay scale of Rs. 4550-7220 granted to the Librarians with effect from the date when the qualification for recruitment of the post was prescribed as 10+2 with two years diploma course in library science. It is not disputed that the date of prescription of the above qualification is 1.1.1996, as is mentioned in notification dated 4.9.2000 (Annexure P.1). This was subject to the condition of amendment of service Rules. Vide communication dated 28.11.2005, the pay-scale of Rs. 4550-7220 being granted to the petitioner

was ordered to be withdrawn as there was no amendment in the Rules. In reply, reliance has been placed on order dated 4.5.2007 to submit that relief prayed for by the petitioner having been granted, the writ petition has become infructuous. Vide order dated 4.5.2007 (Annexure R.1) the decision has been taken by the government to the effect that in anticipation of the amendment in the rules, the librarians shall be allowed the pay-scale of Rs. 4550-7220 with effect from 1.1.1996 in case they possess the qualifications as mentioned above. The relevant para of the order is extracted below:-

> "Such School Librarians who already possess the qualifications as recommended in notification referred to above i.e. 10+2 with two years Diploma Course in Library Science, shall be allowed the pay scale of Rs. 4550-7220 w.e.f. 1.1.1996, in anticipation of amendment of Department Service Rules"

Once the respondents themselves have passed an order that in anticipation of amendment of the Rules, the librarians qualified will be entitled to the scale of Rs. 4550-7220, the prayer of the petitioner having been accepted by the respondents, the present petition has become infructuous.

The claim of the petitioner for payment of the difference in the salary for the period after it was withdrawn shall be considered and calculated. The difference shall be paid to the petitioner within three months from the date of receipt of copy of this order.

The writ petition is disposed of accordingly.

**September 20, 2007** **( RAJESH BINDAL )**
**renu** **JUDGE**